

Chapter 21 LICENSES

Last updated January 2016

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21.08 Going out of Business, Fire and Bankrupt Sales - This Article was repealed with Ordinance No. 1312 (March 6, 2006)

21.12 Mobile Home Courts and Trailer Parks - This Article was repealed with Ordinance No. 1312 (March 6, 2006)

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Article 21.04 In General

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Section 21.04.010 Applicability of article

Unless otherwise specifically provided, licenses required for the carrying on of a business or trade within the city shall be applied for, issued, terminated and revoked according to the provisions of this article. (Code 1958, § 17-1.)

Section 21.04.020 Applications

Every application for a license shall be made upon a blank form furnished by the city auditor and verified and shall contain the name, place of residence, age and occupation of the applicant, the purpose for which a license is desired, the place where and the term for which he proposes to carry on the business or trade to be licensed and such other information as may be required according to provisions of this article. (Code 1958, § 17-2; Ord. No. 550.)

Section 21.04.030 Issuance; form of license

If it shall appear that the applicant in section 21.04.020 is entitled to a license, the city auditor shall issue a license signed by him. Licenses shall be issued from a bound book and shall be consecutively numbered. Each license in such book shall have a stub attached thereto upon which the substance of the license shall be entered. (Code 1958, § 17-3.)

Section 21.04.040 Surrender and cancellation

Upon surrender or cancellation of a license, the fact that it has been surrendered or canceled shall be entered by the city auditor on the stub from which it was detached. (Code 1958, § 17-4.)

Section 21.04.050 Payment of fees; inclusion of fee amount and date on license

No license under the provisions of this article shall be issued until the fee prescribed therefor has been paid to the city auditor. The amount paid and the date thereof and the term for which the license was issued shall be shown on each license. (Code 1958, § 17-5.)

Section 21.04.060 Term

All licenses issued under the provisions of this article shall expire on the first day of January of each year; provided, that should any license issued pursuant to this article specify an expiration date, such license shall expire upon the date as stated upon the license issued pursuant to this article. (Code 1958, § 176; Ord. No. 550.)

Section 21.04.070 Revocation

Whenever it shall appear that a license has been improvidently issued or that the holder thereof is violating the authority granted to him thereby, it shall be the duty of the city auditor to revoke the license and to give notice of such revocation forthwith to the licensee. After such revocation the licensee shall be without authority to carry on the business or trade for which the license has been granted. (Code 1958, § 17-7.)

Section 21.04.080 Appeal of auditor's denial of license application

Whenever, by the provisions of this Code, the auditor is granted the authority to grant permits or licenses, and the auditor denies said application, the applicant shall have the right to appeal said denial to the city commission. The appeal shall be made by making a written request to the auditor within ten days of the decision. (Ord. No. 1083, § 21.)

Article 21.08 Going out of Business, Fire and Bankrupt Sales
- This Article was repealed with Ordinance No. 1312 (March
6, 2006)

Article 21.12 Mobile Home Courts and Trailer Parks - This Article was repealed with Ordinance No. 1312 (March 6, 2006)

Article 21.20 Authority to Sell Tobacco

Sections:

21.20.010	Purpose
21.20.020	Authority to Sell
21.20.030	Grant of Authority
21.20.040	Grounds for Suspension or Revocation of Authority to Sell
21.20.050	Hearing for Revocation or Suspension

Section 21.20.010 Purpose

The City of Dickinson has recognized that illegal tobacco purchase and use by minors is a significant problem with the city. This section is intended to reduce the illegal purchases of tobacco products by minors and to reduce the accessibility of tobacco products to minors. (Ord. 1234 § 1)

Section 21.20.020 Authority to Sell

No person, firm, business or other entity may directly or indirectly or by means of device, offer or dispose of, or give away, tobacco products (as defined in Section 25.06.010) without:

1. A North Dakota State Tobacco Dealers License issued pursuant to NDCC Chapter 57-36 when required by the State.
2. A valid license to sell tobacco products at retail as granted by the City of Dickinson.

An employee age 18 or older acting on behalf of his/her employer, shall have the same license and authority with regard to tobacco products as the employer. As used in this chapter, “tobacco” or “tobacco products” are defined as in Section 25.06.010. A “person or business” means any individual, business, firm, fiduciary, partnership, corporation, limited liability company, trust, or association however formed. (Ord. 1234 § 1; Ord. 1478§ 1; Ord. 1601§ 3)

Section 21.20.030 Grant of Authority

The City of Dickinson shall grant a license to sell tobacco or tobacco products at retail, to persons or businesses who have a North Dakota State Tobacco Dealers License under NDCC Chapter 57-36, when required by the State, except as such license may be suspended or revoked by the City of Dickinson or State of North Dakota. The city-issued license granted by this section may be suspended or revoked as provided in this chapter. (Ord. 1234 § 1; Ord. 1478§ 1; Ord. 1601§ 3)

Annual license fees shall be set by resolution of the Board of the City Commissioners, and incorporated into the City Fee Schedule.

Such licenses shall be non-transferable. (Ord. 1478§ 1)

Section 21.20.040 Grounds for Suspension or Revocation of Authority to Sell

The license and authority to sell tobacco products granted under this Chapter may be revoked or suspended temporarily by the Board of City Commissioners upon any violation of

Dickinson City Code 21.20 or 25.06. The City shall also assess against the licensee administrative fines as follows:

- (a) First Offense: In the event of a first violation within a 24 month period by the licensee, its agent or employee, of Article 21.20 or 25.06, the City shall assess against the licensee an administrative fine in the amount of \$150.00. The City shall further suspend the licensee's license and authority to sell tobacco products for no less than one day. This administrative fine and temporary suspension shall be waived in the event that both the licensee and its agent or employee who violated the ordinance have taken approved server training through the Southwestern District Health Unit regarding sale of tobacco products.
- (b) Second Offense: In the event of a second violation within a 24 month period by the licensee, its agent or employee, of Article 21.20 or 25.06, the City shall assess against the licensee an administrative fine in the amount of \$250.00. The City shall further suspend the licensee's license and authority to sell tobacco products for no less than three days.
- (c) Third Offense: In the event of a third violation within a 24 month period by the licensee, its agent or employee, of Article 21.20 or 25.06, the City shall assess against the licensee an administrative fine in the amount of \$500.00. The City shall further suspend the licensee's license and authority to sell tobacco products for no less than five days.

Section 21.20.050 Hearing for Revocation or Suspension.

Prior to the entry of fines and sanctions provided herein, the licensee shall have the right to an informal hearing before the City Administrator and, if requested, a formal hearing before the Board of City Commissioners. An informal hearing before the City Administrator may be arranged at such dates and times as mutually agreeable to the City Administrator and the licensee. In the event that a formal hearing before the Board of City Commissioners is requested, the City Administrator shall notify the licensee of the hearing by written notice, including the following: (1) the proposed action to be taken; (2) the reason for such action; (3) the time and place of the hearing; and (4) the right of the licensee to present evidence or testimony on its behalf

The notice shall be mailed to the licensee, by certified mail, not less than five days nor more than fifteen days before the hearing.

If after the hearing the Board of City Commissioners finds that the violations did occur, it may enter the fines and sanctions provided herein.

The Board of City Commissioners shall issue Findings of Fact, Conclusions and Order, which shall be served on the licensee. The decision of the Board of City Commissioners is final.

(Ord. 1234 § 1; (Ord. 1478 § 1)

Article 21.30 Temporary Homeless Shelter

Sections:

- 21.30.010 Purpose**
- 21.30.020 Permit Required**
- 21.30.030 Permit Application**
- 21.30.040 Issuance of Permit**

Section 21.30.010 Purpose

The Board of City Commissioners of the City of Dickinson hereby recognizes and finds that it is in the best interests of the public health, safety and general welfare to provide for temporary homeless shelter for transient or homeless individuals within the community pursuant to the terms provided herein. (Ord. 1526§ 1)

Section 21.30.020 Permit Required

No person shall operate a temporary homeless shelter within the city limits of the City of Dickinson without a permit as provided for in this Article.

Any person or group of persons may apply to the City for a temporary homeless shelter permit as provided in this Article. Such permit shall entitle the grantee to certain uses of its property that would otherwise not conform to the requirements of the City's zoning code. The Board of City Commissioners shall issue such permit by resolution, following public hearing as provided herein, and may attach to the permit such reasonable conditions as they may deem necessary and appropriate, in order to ensure the protection of the public health, safety and general welfare. (Ord. 1526§ 1)

Section 21.30.030 Permit Application

Unless otherwise determined by the Board of City Commissioners, the applicant shall, as part of its application, provide the City with at least the following information:

- 1) The physical structure in which the temporary homeless shelter will be operated.
- 2) Identify a temporary homeless shelter coordinator for each physical structure in which the temporary homeless shelter will be operated.
- 3) A manual of rules and regulations, acceptable to the City Administrator or his designee, for operation of the temporary homeless shelter at each physical structure in which the temporary homeless shelter will be operated. (Ord. 1526§ 1)

Section 21.30.040 Issuance of Permit

Upon receipt of the application materials, the City shall set the matter for a public hearing before the Board of City Commissioners. At least ten (10) days prior to such public hearing, the temporary homeless shelter coordinator identified in the application materials shall notify, in writing, all property owners within 300 feet of the proposed location of the temporary homeless shelter and provide verification to the City of such notification. Such notification shall include at least: (1) the location of the proposed temporary homeless shelter; (2) the date, time and place of

the public hearing; and (3) at the public hearing the Board of City Commissioners will take public comment from any interested person.

Following the public hearing, the Board of City Commissioners may grant the temporary homeless shelter permit if it finds that the applicant has met all requirements of Dickinson City Code regarding operating a temporary homeless shelter; the applicant appears to be a responsible and appropriate operator of a temporary homeless shelter; and granting such temporary homeless shelter permit is in the best interests of the public health, safety and general welfare.

Prior to beginning operations as a temporary homeless shelter, each proposed temporary homeless shelter facility shall be inspected by the City's building department and fire department, which shall verify whether the facility is in compliance with City Code. Any violations of Code shall be required to be corrected prior to beginning operations as a temporary homeless shelter.

If, at any time, a temporary homeless shelter facility is determined to be not in compliance with City Code, or with any other conditions of approval attached by the Board of City Commissioners, the City shall be entitled to: (1) require immediate compliance with City Code or other conditions of approval; or (2) revoke the temporary homeless shelter permit.

The temporary homeless shelter coordinator shall provide a summary of the activities of the temporary homeless shelter at such times as may be required by the City. (Ord. 1526§ 1)